IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4860 OF 2004

Shri Swami Vivekanand Shikshan Sanstha .. Petitioner

versus

The State of Maharashtra & ors..Respondents

Mr.P.D.Dalvi for Petitioner

CORAM : D.G.KARNIK, J

DATED : 17th February, 2006

P.C.

1. This Writ Petition is directed against the order dated 26th June, 2000 passed by the School Tribunal, Pune setting aside the termination of the respondent no. 3 and ordering his reinstatement. I am not inclined to exercise writ jurisdiction for three reasons:

(i) The order is passed in the year 2000. The respondent no. 3 has since been reinstated. Learned counsel for the petitioner states that the respondent no.3 is presently working in the school of

the petitioner. It would not be proper to entertain the Writ Petition after a long lapse of six years.

(ii) the petitioner has challenged the order nearly after two years and thereafter did not move this Court for any interim reliefs for a further period of four years.

(iii) The respondent no. 3 was appointed on a clear vacancy in June, 1993 and his appointment was approved by the education inspector. He completed service of two years in June, 1993 and therefore became permanent. The order of termination was passed in November, 1995 without any valid reason.

2. In the circumstances, I see no error in the order passed by the School Tribunal ordering reinstatement of the respondent no.3. Writ Petition is rejected.

(D.G. KARNIK, J)